

AMENDED IN ASSEMBLY JULY 10, 1997
AMENDED IN ASSEMBLY JUNE 26, 1997
AMENDED IN SENATE JUNE 3, 1997
AMENDED IN SENATE MAY 1, 1997
AMENDED IN SENATE APRIL 8, 1997

SENATE BILL

No. 826

Introduced by Senator Greene

February 26, 1997

An act to amend Sections 1601, 1616.5, and 1742 of, and to add ~~Section 160.5~~ *Sections 160.5 and 1616.1* to, the Business and Professions Code, and to amend Section 830.3 of the Penal Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

SB 826, as amended, Greene. Dentistry: Board of Dental Examiners of California and Committee on Dental Auxiliaries.

Existing law provides that the Chief of the Division of Investigation in the Department of Consumer Affairs and all investigators of that division, the Medical Board of California, and the Board of Dental Examiners have the authority of peace officers while engaged in exercising the powers granted or performing the duties imposed upon them or the division in investigating the laws administered by the various boards comprising the department or commencing directly or

indirectly any criminal prosecution arising from any investigation conducted under these laws.

Existing law provides that this authority as a peace officer extends to any place in the state for the purpose of performing their primary duty or making an arrest as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or in a state of emergency. Existing law authorizes these peace officers to carry firearms only if authorized and under those terms and conditions as specified by their employing agencies.

This bill would limit the number of investigators with peace officer authority appointed by the Board of Dental Examiners to 7. This bill would also protect the positions, status, and rights of those investigators who are transferred under these provisions. The bill would also require the transfer of employees as a result of these provisions to occur by July 1, 1999. *The bill would require the board to conduct a study and report to the Legislature on the scope of duties of investigators hired by the board, the level of complexity of the investigations, and the volume of complaints according to complexity.*

Existing law vests in the Board of Dental Examiners of California in the Department of Consumer Affairs the administration of the law regulating the practice of dentistry and authorizes the board to appoint an executive officer. Under existing law, these administrative authority provisions become inoperative on July 1, 1998, and are repealed on January 1, 1999.

This bill would extend these inoperative and repeal dates to July 1, 2002, and January 1, 2003, respectively.

Existing law authorizes the Committee on Dental Auxiliaries within the jurisdiction of the board to make recommendations with regard to the administration of the law regulating dental auxiliaries who are persons authorized to perform dental supportive procedures. Under existing law, this provision becomes inoperative on July 1, 1998, and is repealed on January 1, 1999.

This bill would extend these inoperative and repeal dates to July 1, 2002, and January 1, 2003, respectively.



Existing law authorizes the board to organize a standing committee to deal with auxiliary matters.

This bill would eliminate this authority of the board and would require, instead, that the committee be directly responsible for all matters concerning dental auxiliaries. The bill would set forth the duties and responsibilities of the committee in this regard.

Existing law requires the Joint Legislative Sunset Review Committee to perform various functions and duties with respect to evaluating and determining whether a board or regulatory program has demonstrated a public need for the board's or program's continued existence, and to report its findings and recommendations to the Department of Consumer Affairs for review.

This bill would provide that the repeal of the Board of Dental Examiners of California and the Committee on Dental Auxiliaries pursuant to this bill renders the board subject to the review of the Joint Legislative Sunset Review Committee.

This bill would incorporate additional changes in Section 1601 of the Business and Professions Code, proposed by AB 471, to be operative only if AB 471 and this bill are both chaptered and become effective on or before January 1, 1998, and this bill is chaptered last.

This bill would incorporate additional changes in Section 830.3 of the Penal Code, proposed by SB 951, to be operative only if SB 951 and this bill are both chaptered and become effective on or before January 1, 1998, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 160.5 is added to the Business
2 and Professions Code, to read:
3 160.5. All civil service employees currently employed
4 by the Board of Dental Examiners of the Department of
5 Consumer Affairs, whose functions are transferred as a
6 result of the act adding this section shall retain their
7 positions, status, and rights pursuant to Section 19050.9 of



1 the Government Code and the State Civil Service Act,
2 Part 2 (commencing with Section 18500) of Division 5 of
3 Title 2 of the Government Code. The transfer of
4 employees as a result of the act adding this section shall
5 occur no later than July 1, 1999.

6 SEC. 2. Section 1601 of the Business and Professions
7 Code is amended to read:

8 1601. There is in the Department of Consumer Affairs
9 a Board of Dental Examiners of California in which the
10 administration of this chapter is vested. The board
11 consists of eight practicing dentists, one registered dental
12 hygienist, one registered dental assistant, and four public
13 members. The board shall be organized into standing
14 committees dealing with examinations, enforcement,
15 and other subjects as the board deems appropriate.

16 This section shall become inoperative on July 1, 2002,
17 and, as of January 1, 2003, is repealed, unless a later
18 enacted statute, which becomes effective on or before
19 January 1, 2003, deletes or extends the dates on which it
20 becomes inoperative and is repealed. The repeal of this
21 section renders the board subject to the review required
22 by Division 1.2 (commencing with Section 473).

23 SEC. 2.5. Section 1601 of the Business and Professions
24 Code is amended to read:

25 1601. There is in the Department of Consumer Affairs
26 a Board of Dental Examiners of California in which the
27 administration of this chapter is vested. The board
28 consists of eight practicing dentists, one registered dental
29 hygienist, one registered dental assistant, and four public
30 members, none of whom shall have engaged in the
31 practice of dentistry, dental hygiene, or dental assisting.
32 The board shall be organized into standing committees
33 dealing with examinations, enforcement, and other
34 subjects as the board deems appropriate.

35 This section shall become inoperative on July 1, 2002,
36 and, as of January 1, 2003, is repealed, unless a later
37 enacted statute, which becomes effective on or before
38 January 1, 2003, deletes or extends the dates on which it
39 becomes inoperative and is repealed. The repeal of this



1 section renders the board subject to the review required
2 by Division 1.2 (commencing with Section 473).

3 SEC. 3. *Section 1616.1 is added to the Business and*
4 *Professions Code, to read:*

5 *1616.1. The board shall study the scope of the duties*
6 *of investigators hired by the board, the level of*
7 *complexity of the different investigations, and the*
8 *volume of complaints according to complexity. This study*
9 *shall consider not only the most recent year's activities for*
10 *which there is information, but shall also review historical*
11 *information that would help determine any trend in the*
12 *volume of complexity of investigation. In conducting the*
13 *study required by this section, the board shall consult with*
14 *the Department of Consumer Affairs and the Joint*
15 *Legislative Sunset Review Committee.*

16 *The findings of this study shall be documented in a*
17 *written report, which shall be submitted to the*
18 *Legislature by May 1, 1998.*

19 SEC. 4. Section 1616.5 of the Business and Professions
20 Code is amended to read:

21 1616.5. The board may appoint a person exempt from
22 civil service who shall be designated as an executive
23 officer and who shall exercise the powers and perform the
24 duties delegated by the board and vested in him or her by
25 this chapter.

26 This section shall become inoperative on July 1, 2002,
27 and, as of January 1, 2003, is repealed, unless a later
28 enacted statute, which becomes effective on or before
29 January 1, 2003, deletes or extends the dates on which it
30 becomes inoperative and is repealed.

31 ~~SEC. 4.—~~

32 SEC. 5. Section 1742 of the Business and Professions
33 Code is amended to read:

34 1742. (a) There is within the jurisdiction of the board
35 a Committee on Dental Auxiliaries.

36 (b) The Committee on Dental Auxiliaries shall have
37 the following areas of responsibility and duties:

38 (1) The committee shall have the following duties and
39 authority related to education programs and curriculum:



1 (A) Shall evaluate all dental auxiliary programs
2 applying for board approval, in accordance with board
3 rules governing the programs.

4 (B) May appoint board members to any evaluation
5 committee. Board members so appointed shall not make
6 a final decision on the issue of program or course
7 approval.

8 (C) Shall report and make recommendations to the
9 board as to whether a program or course qualifies for
10 approval. The board retains the final authority to grant or
11 deny approval to a program or course.

12 (D) Shall review and document any alleged
13 deficiencies that might warrant board action to withdraw
14 or revoke approval of a program or course, at the request
15 of the board.

16 (E) May review and document any alleged
17 deficiencies that might warrant board action to withdraw
18 or revoke approval of a program or course, at its own
19 initiation.

20 (2) The committee shall have the following duties and
21 authority related to applications:

22 (A) Shall review and evaluate all applications for
23 licensure in the various dental auxiliary categories to
24 ascertain whether a candidate meets the appropriate
25 licensing requirements specified by statute and board
26 regulations.

27 (B) Shall maintain application records, cashier
28 application fees, and perform any other ministerial tasks
29 as are incidental to the application process.

30 (C) May delegate any or all of the functions in this
31 paragraph to its staff.

32 (D) Shall issue auxiliary licenses in all cases, except
33 where there is a question as to a licensing requirement.
34 The board retains final authority to interpret any
35 licensing requirement. If a question arises in the area of
36 interpreting any licensing requirement, it shall be
37 presented by the committee to the board for resolution.

38 (3) The committee shall have the following duties and
39 authority regarding examinations:



1 (A) Shall advise the board as to the type of license
2 examination it deems appropriate for the various dental
3 auxiliary license categories.

4 (B) Shall, at the direction of the board, develop or
5 cause to be developed, administer, or both, examinations
6 in accordance with the board's instructions and
7 periodically report to the board on the progress of those
8 examinations. The following shall apply to the
9 examination procedure:

10 (i) The examination shall be submitted to the board
11 for its approval prior to its initial administration.

12 (ii) Once an examination has been approved by the
13 board, no further approval is required unless a major
14 modification is made to the examination.

15 (iii) The committee shall report to the board on the
16 results of each examination and shall, where appropriate,
17 recommend pass points.

18 (iv) The board shall set pass points for all dental
19 auxiliary licensing examinations.

20 (C) May appoint board members to any examination
21 committee established pursuant to subparagraph (B).

22 (4) The committee shall periodically report and make
23 recommendations to the board concerning the level of
24 fees for dental auxiliaries and the need for any legislative
25 fee increase. However, the board retains final authority
26 to set all fees.

27 (5) The committee shall be responsible for all aspects
28 of the license renewal process, which shall be
29 accomplished in accordance with this chapter and board
30 regulations. The committee may delegate any or all of its
31 functions under this paragraph to its staff.

32 (6) The committee shall have no authority with
33 respect to the approval of continuing education
34 providers; the board retains all of this authority.

35 (7) The committee shall advise the board as to
36 appropriate standards of conduct for auxiliaries, the
37 proper ordering of enforcement priorities, and any other
38 enforcement-related matters that the board may, in the
39 future, delegate to the committee. The board retains all
40 authority with respect to the enforcement actions,



1 including, but not limited to, complaint resolution,
2 investigation, and disciplinary action against auxiliaries.

3 (8) The committee shall have the following duties
4 regarding regulations:

5 (A) Shall review and evaluate all suggestions or
6 requests for regulatory changes related to dental
7 auxiliaries.

8 (B) Shall report and make recommendations to the
9 board, after consultation with departmental legal counsel
10 and the board's executive officer.

11 (C) Shall include in any report regarding a proposed
12 regulatory change, at a minimum, the specific language
13 of the proposed changes and the reasons for and facts
14 supporting the need for the change. The board has the
15 final rulemaking authority.

16 (c) This section shall become inoperative on July 1,
17 2002, and, as of January 1, 2003, is repealed, unless a later
18 enacted statute which becomes effective on or before
19 January 1, 2003, deletes or extends the dates on which it
20 becomes inoperative and is repealed. The repeal of this
21 section renders the committee subject to the review
22 required by Division 1.2 (commencing with Section 473).

23 ~~SEC. 5.—~~

24 *SEC. 6.* Section 830.3 of the Penal Code is amended to
25 read:

26 830.3. The following persons are peace officers whose
27 authority extends to any place in the state for the purpose
28 of performing their primary duty or when making an
29 arrest pursuant to Section 836 of the Penal Code as to any
30 public offense with respect to which there is immediate
31 danger to person or property, or of the escape of the
32 perpetrator of that offense, or pursuant to Section 8597 or
33 8598 of the Government Code. These peace officers may
34 carry firearms only if authorized and under those terms
35 and conditions as specified by their employing agencies:

36 (a) Persons employed by the Division of Investigation
37 of the Department of Consumer Affairs and investigators
38 of the Medical Board of California and the Board of
39 Dental Examiners, who are designated by the Director of
40 Consumer Affairs, provided that the primary duty of



1 these peace officers shall be the enforcement of the law
2 as that duty is set forth in Section 160 of the Business and
3 Professions Code. The Director of Consumer Affairs may
4 designate as peace officers not more than seven persons
5 who shall at the time of their designation be assigned to
6 the investigations unit of the Board of Dental Examiners.

7 (b) Voluntary fire wardens designated by the Director
8 of Forestry and Fire Protection pursuant to Section 4156
9 of the Public Resources Code, provided that the primary
10 duty of these peace officers shall be the enforcement of
11 the law as that duty is set forth in Section 4156 of that code.

12 (c) Employees of the Department of Motor Vehicles
13 designated in Section 1655 of the Vehicle Code, provided
14 that the primary duty of these peace officers shall be the
15 enforcement of the law as that duty is set forth in Section
16 1655 of that code.

17 (d) Investigators of the California Horse Racing Board
18 designated by the board, provided that the primary duty
19 of these peace officers shall be the enforcement of
20 Chapter 4 (commencing with Section 19400) of Division
21 8 of the Business and Professions Code and Chapter 10
22 (commencing with Section 330) of Title 9 of Part 1 of this
23 code.

24 (e) The State Fire Marshal and assistant or deputy
25 state fire marshals appointed pursuant to Section 13103 of
26 the Health and Safety Code, provided that the primary
27 duty of these peace officers shall be the enforcement of
28 the law as that duty is set forth in Section 13104 of that
29 code.

30 (f) Inspectors of the food and drug section designated
31 by the chief pursuant to subdivision (a) of Section 106500
32 of the Health and Safety Code, provided that the primary
33 duty of these peace officers shall be the enforcement of
34 the law as that duty is set forth in Section 106500 of that
35 code.

36 (g) All investigators of the Division of Labor Standards
37 Enforcement designated by the Labor Commissioner,
38 provided that the primary duty of these peace officers
39 shall be the enforcement of the law as prescribed in
40 Section 95 of the Labor Code.



1 (h) All investigators of the State Departments of
2 Health Services, Social Services, Mental Health,
3 Developmental Services, and Alcohol and Drug
4 Programs, the Department of Toxic Substances Control,
5 and the Office of Statewide Health Planning and
6 Development, and the Public Employees' Retirement
7 System, provided that the primary duty of these peace
8 officers shall be the enforcement of the law relating to the
9 duties of his or her department, or office.
10 Notwithstanding any other provision of law, investigators
11 of the Public Employees' Retirement System shall not
12 carry firearms.

13 (i) The Chief of the Bureau of Fraudulent Claims of
14 the Department of Insurance and those investigators
15 designated by the chief, provided that the primary duty
16 of those investigators shall be the enforcement of Section
17 550 of the Penal Code.

18 (j) Employees of the Department of Housing and
19 Community Development designated under Section
20 18023 of the Health and Safety Code, provided that the
21 primary duty of these peace officers shall be the
22 enforcement of the law as that duty is set forth in Section
23 18023 of that code.

24 (k) Investigators of the office of the Controller,
25 provided that the primary duty of these investigators
26 shall be the enforcement of the law relating to the duties
27 of that office. Notwithstanding any other law, except as
28 authorized by the Controller, the peace officers
29 designated pursuant to this subdivision shall not carry
30 firearms.

31 (l) Investigators of the Department of Corporations
32 designated by the Commissioner of Corporations,
33 provided that the primary duty of these investigators
34 shall be the enforcement of the provisions of law
35 administered by the Department of Corporations.
36 Notwithstanding any other provision of law, the peace
37 officers designated pursuant to this subdivision shall not
38 carry firearms.

39 (m) Persons employed by the Contractors' State
40 License Board designated by the Director of Consumer



1 Affairs pursuant to Section 7011.5 of the Business and
2 Professions Code, provided that the primary duty of these
3 persons shall be the enforcement of the law as that duty
4 is set forth in Section 7011.5, and in Chapter 9
5 (commencing with Section 7000) of Division 3, of that
6 code. The Director of Consumer Affairs may designate as
7 peace officers not more than three persons who shall at
8 the time of their designation be assigned to the special
9 investigations unit of the board. Notwithstanding any
10 other provision of law, the persons designated pursuant
11 to this subdivision shall not carry firearms.

12 (n) The chief and coordinators of the Law
13 Enforcement Division of the Office of Emergency
14 Services.

15 (o) Investigators of the office of the Secretary of State
16 designated by the Secretary of State, provided that the
17 primary duty of these peace officers shall be the
18 enforcement of the law as prescribed in Chapter 3
19 (commencing with Section 8200) of Division 1 of Title 2
20 of, and Section 12172.5 of, the Government Code.
21 Notwithstanding any other provision of law, the peace
22 officers designated pursuant to this subdivision shall not
23 carry firearms.

24 (p) The Deputy Director for Security designated by
25 Section 8880.38 of the Government Code, and all lottery
26 security personnel assigned to the California State
27 Lottery and designated by the director, provided that the
28 primary duty of any of those peace officers shall be the
29 enforcement of the laws related to assuring the integrity,
30 honesty, and fairness of the operation and administration
31 of the California State Lottery.

32 (q) Investigators employed by the Investigation
33 Division of the Employment Development Department
34 designated by the director of the department, provided
35 that the primary duty of those peace officers shall be the
36 enforcement of the law as that duty is set forth in Section
37 317 of the Unemployment Insurance Code.

38 Notwithstanding any other provision of law, the peace
39 officers designated pursuant to this subdivision shall not
40 carry firearms.

1 (r) The chief and assistant chief of museum security
2 and safety of the California Science Center, as designated
3 by the executive director pursuant to Section 4108 of the
4 Food and Agricultural Code, provided that the primary
5 duty of those peace officers shall be the enforcement of
6 the law as that duty is set forth in Section 4108 of the Food
7 and Agricultural Code.

8 (s) Notwithstanding any other provision of this
9 section, a peace officer authorized by this section shall not
10 be authorized to carry firearms by his or her employing
11 agency until that agency has adopted a policy on the use
12 of deadly force by those peace officers, and until those
13 peace officers have been instructed in the employing
14 agency's policy on the use of deadly force.

15 Every peace officer authorized pursuant to this section
16 to carry firearms by his or her employing agency shall
17 qualify in the use of the firearms at least every six months.

18 ~~SEC. 6.—~~

19 *SEC. 7.* Section 830.3 of the Penal Code is amended to
20 read:

21 830.3. The following persons are peace officers whose
22 authority extends to any place in the state for the purpose
23 of performing their primary duty or when making an
24 arrest pursuant to Section 836 of the Penal Code as to any
25 public offense with respect to which there is immediate
26 danger to person or property, or of the escape of the
27 perpetrator of that offense, or pursuant to Section 8597 or
28 8598 of the Government Code. These peace officers may
29 carry firearms only if authorized and under those terms
30 and conditions as specified by their employing agencies:

31 (a) Persons employed by the Division of Investigation
32 of the Department of Consumer Affairs and investigators
33 of the Medical Board of California and the Board of
34 Dental Examiners, who are designated by the Director of
35 Consumer Affairs, provided that the primary duty of
36 these peace officers shall be the enforcement of the law
37 as that duty is set forth in Section 160 of the Business and
38 Professions Code. The Director of Consumer Affairs may
39 designate as peace officers not more than seven persons



1 who shall at the time of their designation be assigned to
2 the investigations unit of the Board of Dental Examiners.

3 (b) Voluntary fire wardens designated by the Director
4 of Forestry and Fire Protection pursuant to Section 4156
5 of the Public Resources Code, provided that the primary
6 duty of these peace officers shall be the enforcement of
7 the law as that duty is set forth in Section 4156 of that code.

8 (c) Employees of the Department of Motor Vehicles
9 designated in Section 1655 of the Vehicle Code, provided
10 that the primary duty of these peace officers shall be the
11 enforcement of the law as that duty is set forth in Section
12 1655 of that code.

13 (d) Investigators of the California Horse Racing Board
14 designated by the board, provided that the primary duty
15 of these peace officers shall be the enforcement of
16 Chapter 4 (commencing with Section 19400) of Division
17 8 of the Business and Professions Code and Chapter 10
18 (commencing with Section 330) of Title 9 of Part 1 of this
19 code.

20 (e) The State Fire Marshal and assistant or deputy
21 state fire marshals appointed pursuant to Section 13103 of
22 the Health and Safety Code, provided that the primary
23 duty of these peace officers shall be the enforcement of
24 the law as that duty is set forth in Section 13104 of that
25 code.

26 (f) Inspectors of the food and drug section designated
27 by the chief pursuant to subdivision (a) of Section 106500
28 of the Health and Safety Code, provided that the primary
29 duty of these peace officers shall be the enforcement of
30 the law as that duty is set forth in Section 106500 of that
31 code.

32 (g) All investigators of the Division of Labor Standards
33 Enforcement designated by the Labor Commissioner,
34 provided that the primary duty of these peace officers
35 shall be the enforcement of the law as prescribed in
36 Section 95 of the Labor Code.

37 (h) All investigators of the State Departments of
38 Health Services, Social Services, Mental Health,
39 Developmental Services, and Alcohol and Drug
40 Programs, the Department of Toxic Substances Control,



1 and the Office of Statewide Health Planning and
2 Development, and the Public Employees' Retirement
3 System, provided that the primary duty of these peace
4 officers shall be the enforcement of the law relating to the
5 duties of his or her department, or office.
6 Notwithstanding any other provision of law, investigators
7 of the Public Employees' Retirement System shall not
8 carry firearms.

9 (i) The Chief of the Bureau of Fraudulent Claims of
10 the Department of Insurance and those investigators
11 designated by the chief, provided that the primary duty
12 of those investigators shall be the enforcement of Section
13 550 of the Penal Code.

14 (j) Employees of the Department of Housing and
15 Community Development designated under Section
16 18023 of the Health and Safety Code, provided that the
17 primary duty of these peace officers shall be the
18 enforcement of the law as that duty is set forth in Section
19 18023 of that code.

20 (k) Investigators of the office of the Controller,
21 provided that the primary duty of these investigators
22 shall be the enforcement of the law relating to the duties
23 of that office. Notwithstanding any other law, except as
24 authorized by the Controller, the peace officers
25 designated pursuant to this subdivision shall not carry
26 firearms.

27 (l) Investigators of the Department of Corporations
28 designated by the Commissioner of Corporations,
29 provided that the primary duty of these investigators
30 shall be the enforcement of the provisions of law
31 administered by the Department of Corporations.
32 Notwithstanding any other provision of law, the peace
33 officers designated pursuant to this subdivision shall not
34 carry firearms.

35 (m) Persons employed by the Contractors' State
36 License Board designated by the Director of Consumer
37 Affairs pursuant to Section 7011.5 of the Business and
38 Professions Code, provided that the primary duty of these
39 persons shall be the enforcement of the law as that duty
40 is set forth in Section 7011.5, and in Chapter 9



1 (commencing with Section 7000) of Division 3, of that
2 code. The Director of Consumer Affairs may designate as
3 peace officers not more than three persons who shall at
4 the time of their designation be assigned to the special
5 investigations unit of the board. Notwithstanding any
6 other provision of law, the persons designated pursuant
7 to this subdivision shall not carry firearms.

8 (n) The chief and coordinators of the Law
9 Enforcement Division of the Office of Emergency
10 Services.

11 (o) Investigators of the office of the Secretary of State
12 designated by the Secretary of State, provided that the
13 primary duty of these peace officers shall be the
14 enforcement of the law as prescribed in Chapter 3
15 (commencing with Section 8200) of Division 1 of Title 2
16 of, and Section 12172.5 of, the Government Code.
17 Notwithstanding any other provision of law, the peace
18 officers designated pursuant to this subdivision shall not
19 carry firearms.

20 (p) The Deputy Director for Security designated by
21 Section 8880.38 of the Government Code, and all lottery
22 security personnel assigned to the California State
23 Lottery and designated by the director, provided that the
24 primary duty of any of those peace officers shall be the
25 enforcement of the laws related to assuring the integrity,
26 honesty, and fairness of the operation and administration
27 of the California State Lottery.

28 (q) Investigators employed by the Investigation
29 Division of the Employment Development Department
30 designated by the director of the department, provided
31 that the primary duty of those peace officers shall be the
32 enforcement of the law as that duty is set forth in Section
33 317 of the Unemployment Insurance Code.

34 Notwithstanding any other provision of law, the peace
35 officers designated pursuant to this subdivision shall not
36 carry firearms.

37 (r) The chief and assistant chief of museum security
38 and safety of the California Science Center, as designated
39 by the executive director pursuant to Section 4108 of the
40 Food and Agricultural Code, provided that the primary



1 duty of those peace officers shall be the enforcement of
2 the law as that duty is set forth in Section 4108 of the Food
3 and Agricultural Code.

4 (s) Employees of the Franchise Tax Board designated
5 by the board, provided that the primary duty of these
6 peace officers shall be the enforcement of the law as set
7 forth in Chapter 9 (commencing with Section 19701) of
8 Part 10.2 of Division 2 of the Revenue and Taxation Code.

9 (t) Notwithstanding any other provision of this
10 section, a peace officer authorized by this section shall not
11 be authorized to carry firearms by his or her employing
12 agency until that agency has adopted a policy on the use
13 of deadly force by those peace officers, and until those
14 peace officers have been instructed in the employing
15 agency's policy on the use of deadly force.

16 Every peace officer authorized pursuant to this section
17 to carry firearms by his or her employing agency shall
18 qualify in the use of the firearms at least every six months.

19 ~~SEC. 7.—~~

20 *SEC. 8.* Section 2.5 of this bill incorporates
21 amendments to Section 1601 of the Business and
22 Professions Code proposed by both this bill and AB 471.
23 It shall only become operative if (1) both bills are enacted
24 and become effective on or before January 1, 1998, (2)
25 each bill amends Section 1601 of the Business and
26 Professions Code, and (3) this bill is enacted after AB 471,
27 in which case Section 2 of this bill shall not become
28 operative.

29 ~~SEC. 8.—~~

30 *SEC. 9.* Section 6 of this bill incorporates amendments
31 to Section 830.3 of the Penal Code proposed by both this
32 bill and SB 951. It shall only become operative if (1) both
33 bills are enacted and become effective on or before
34 January 1, 1998, (2) each bill amends Section 830.3 of the
35 Penal Code, and (3) this bill is enacted after SB 951, in
36 which case Section 5 of this bill shall not become
37 operative.

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